

FILED
Clerk
District Court

JUN 10 2008

**UNITED STATES DISTRICT COURT
NORTHERN MARIANA ISLANDS**

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,

Criminal Case No. 08-00014

Plaintiff,

v.

**ORDER FOR INDEPENDENT
TESTING OF ALLEGED DRUG
EVIDENCE**

GREGGORY SABLAN KALEN;

LAWRENCE KALEN; and

MANUEL ALDAN SABLAN,

Defendants.

THIS MATTER came before the court on June 5, 2008 for hearing of several motions, including defendant Gregory Sablan Kalen's motion to conduct independent testing of alleged drug evidence and to hire an independent lab for such a test, which all other defendants joined. Plaintiff appeared by and through its attorney, Assistant U.S. Attorney Eric O'Malley; defendant Gregory Sablan Kalen appeared personally and by and through his attorney, F. Matthew Smith; defendant Lawrence Kalen appeared personally and by and through his attorney, Bruce Berline; and defendant Manuel Aldan Sablan appeared personally and by and through his attorney, David Banes.

The court granted the motion from the bench, subject to conditions, and ordered that the amount previously authorized to hire a private investigator be increased up to \$2,000.00, such amount to be applied towards the costs of the independent testing. Counsel for the parties then convened in chambers on June 9, 2008. During that meeting, the parties agreed in principle as to the requirements and procedures to be followed in order to safely and fairly effect the requested independent testing.

1 THE COURT, having considered the matter, hereby orders that Exhibits 1 and 3 (the
2 "Exhibits") in the above-captioned case be made available by the government for independent testing
3 by the defendants, subject to the following terms and conditions:

- 4 1. That the independent testing be performed by a laboratory approved by the U.S. Drug
5 Enforcement Agency ("DEA") to conduct such testing;
- 6 2. That the expert testing the Exhibits be duly-licensed by and in good standing with the DEA;
7 and
- 8 3. That the parties have entered a written agreement and stipulation that will preserve the rights
9 of the parties, ensure the integrity of the Exhibits, and provide for the safety of the public.

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11 Upon execution of the aforementioned agreement and stipulation, it shall be filed with the
12 court for entry into the official record.

13 DATED this 10th day of June, 2008.

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17 ALEX R. MUMSON
18 Chief Judge
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